

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN E. FORTNEY,

Plaintiff,

v.

WILLIAM POLLARD, MICHAEL BAENEN
and CAPT. SCHULTZ,

Defendants.

ORDER

09-cv-527-vis

On October 8, 2009, this court granted plaintiff leave to proceed on his due process claim against defendants Pollard, Baenen and Schultz. That same day, this court forwarded to the office of the Attorney General a copy of plaintiff's complaint for acceptance of informal service of process on defendants, together with this court's October 8 order allowing plaintiff to proceed on his claim. Now plaintiff has filed a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

In support of his motion, plaintiff argues that defendants are in default because they failed to file an answer within 40 days of October 8, 2009, the date the Wisconsin Department of Justice was served on behalf of the defendants. Defendants had until November 17, 2009 to file their answer. Defendants met that deadline. Therefore, plaintiff's motion for entry of default must be denied.

ORDER

IT IS ORDERED that plaintiff's motion for entry of default (dkt. # 28) is DENIED.

Entered this 24th day of November, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge